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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/373,658	08/13/1999	Luisa Iruela-Arispe	1448.1070006	2817
22195	7590	07/02/2004	EXAMINER	
HUMAN GENOME SCIENCES INC INTELLECTUAL PROPERTY DEPT. 14200 SHADY GROVE ROAD ROCKVILLE, MD 20850			CANELLA, KAREN A	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/373,658

Applicant(s)

IRUELA-ARISPE ET AL.

Examiner

Karen A Canella

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 24-37, 46-68 and 77-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-37 and 46-56 is/are allowed.
- 6) ☒ Claim(s) 57, 58, 60-68 and 77-85 is/are rejected.
- 7) ☒ Claim(s) 59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 35, 36, 54, 55, 64, 65, 83 and 84 have been amended. Claims 24-37, 46-68, 77-85 are pending and under consideration.
2. Text of sections of Title 35, US code not found in this action can be found in a prior action.
3. It is noted that the instant applicant claims an earlier effective filing date via priority to 09/318,208, filed 5/25/1999; 09/235,810, filed 1/22/1999; 60/098,539, filed 8/28/1998; 60/072,298, filed 1/23/1998; 08/845,496, filed 2/24/1997; and 60/144,882, filed 7/20/1999. After review and reconsideration of the priority documents it is noted that the instant SEQ ID NO: 125 and 126 was disclosed in the 08/845,496. Provisional application 60/072,298 also discloses SEQ ID NO:125 and 126 in addition to another polypeptide of 779 amino acids encoded by a polynucleotide of 2860 nucleotides. The instant SEQ ID NO:2 is 950 amino acids and SEQ ID NO:1 is 3261 amino acids. Thus, 60/072,298 does not provide support for the instant SEQ ID NO:1 and 2. Provisional application 60/098,539 discloses both polypeptides of SEQ ID NO:2 and 126 encoded by SEQ ID NO:1 and 125. Thus, claims drawn to SEQ ID NO:1 and 2 will be given priority to 60/098,539, filed 8/28/1998. Claims drawn to SEQ ID NO:125 and 126 will be given the earliest priority date commensurate with 08/845,496, 2/24/1997.
4. Claims 57, 58, 60-68, and 77-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Holtzman et al US 6,416,974 (priority to 60/058,108 and 60/054,966). Claims 57 and 60-68 are drawn to isolated polynucleotides comprising a sequence encoding amino acids 1-950 of SEQ ID NO:2, vectors, isolated host cells thereof and a process of expression of the recombinant polynucleotides to produce polypeptides. Claims 58,, 60-68 are drawn to the isolated polynucleotides of SEQ ID NO:1 or to nucleotide bases 1-2853 of SEQ ID NO:1, vectors, isolated host cells thereof and a process of expression of the recombinant polynucleotides to produce polypeptides. Holtzman et al discloses an isolated polynucleotide encoding SEQ ID NO:2 and an isolated polynucleotide comprising residues. Claims 77-85 are drawn to polynucleotides comprising a sequence at least 95% identical to SEQ ID NO:1 and

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polynucleotides comprising a sequence at least 95% identical to nucleotides 1-2853 of SEQ ID NO:1; vectors, isolated host cells thereof and a process of expression of the recombinant polynucleotides to produce recombinant polypeptides.

Holtzman et al discloses the polynucleotides encoding SEQ ID NO:2, the polynucleotides comprising residues 1-3172 of SEQ ID NO:1, which fulfills the specific embodiments of claims 57, 58 and 78. The polynucleotides comprising residues 1-3172 represent 97.3% of SEQ ID NO:1 therefore the specific embodiment of claim 77 regarding at least 95% sequence identity are also met. Holtzman et al does not specifically disclose that the TANGO-1 polypeptide would inhibit angiogenesis, however, Holtzman et al discloses that the TANGO-1 protein is a homologue of the murine ADAMTS-1, and the prior art discloses that ADAMTS-1 inhibits migration of tumor cells and angiogenesis (Tripathi et al, Cancer Research, 1994, Vol. 54, pp. 4993-4998). Thus, the TANGO-1 protein would inherently comprise the property of inhibiting angiogenesis. Holtzman et al disclose vectors and host cells comprising the TANGO-1 protein (column 1, lines 30-57) and nucleic acids which hybridize to the polynucleotides encoding the TANGO-1 protein thus fulfilling the specific embodiment of claims 67 and 68 drawn to complementary sequences. Holtzman et al disclose the polynucleotides as DNA or RNA (column 7, lines 1118) and the expression of the TANGO-1 polypeptide by the recombinant host cell (column 12, lines 1-38).

5. Claim 59 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. All other rejections and objections as set forth in the previous Office action are withdrawn.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10 a.m. to 9 p.m. M-F.

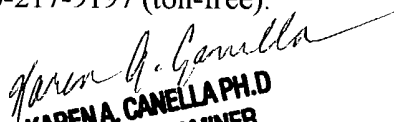
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571)272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen A. Canella, Ph.D.

6/24/2004

  
KAREN A. CANELLA PH.D.  
PRIMARY EXAMINER